

**AN ORDINANCE
BY COUNCILMEMBER JIM MADDOX**

**AN ORDINANCE TO PROVIDE FOR THE ANNEXATION
OF 4505 BIRDIE LANE, SW, ATLANTA, GEORGIA,
30331, 0.404 ACRES OF LAND LOCATED IN LAND LOT
61 OF THE 14TH DISTRICT OF FULTON COUNTY TO
THE CORPORATE LIMITS OF THE CITY OF ATLANTA,
GEORGIA; TO PROVIDE FOR THE NOTIFICATION OF
THE DEPARTMENT OF COMMUNITY AFFAIRS OF
THE STATE OF GEORGIA OF SUCH ANNEXATION;
AND FOR OTHER PURPOSES**

WHEREAS, the owner of real property (the "Applicant") has applied to the City of Atlanta for annexation ("the Application") of certain property identified as 4505 Birdie Lane, SW, as more fully described and delineated in Exhibits "A", "B", "C" and "D" attached hereto (the "Property"); and

WHEREAS, the City of Atlanta has determined that the Property is contiguous to the existing corporate limits of the City of Atlanta in excess of the minimum amount required for such annexations under O.C.G.A. 5 36-36-1 et seq.; and

WHEREAS, the City of Atlanta has determined that the Applicant is the title holder of record of 100% of the privately owned land within the Property, as evidenced by the Clerk of the Superior Court of Fulton County, Georgia; and

WHEREAS, the City of Atlanta has lawfully provided notice to Fulton County, Georgia of all required information including notice of the City of Atlanta's receipt of the Application for annexation of the property; and

WHEREAS, all issues between the City of Atlanta and Fulton County regarding the annexation have been resolved prior to the adoption of this ordinance; and

WHEREAS, THE City of Atlanta has complied with all other applicable laws, ordinances and agreements with respect to the processing of the application; and

WHEREAS, the City of Atlanta has authority pursuant to O.C.G.A § 36-36-1 et seq. to annex certain property into the corporate limits of the City of Atlanta, and that the Mayor and Council of the City of Atlanta have determined that the annexation of the property would be in the best interest of the residents and property owners of the area to be annexed and of the citizens of the City of Atlanta; and

WHEREAS, any proposed annexation must be approved by the United States Department of justice pursuant to Section 5 of the Voting Rights Act of 1965; and

WHEREAS, the City of Atlanta has determined that the application meets the requirements of law pursuant to O.C.G.A. § 36-36-1 et seq.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

- Section 1. The Property is hereby annexed to the existing corporate limits of the City of Atlanta, Georgia, pending approval by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.
- Section 2. There is hereby filed, as part of this Ordinance and identified as Exhibits "A", "B", "C" and "D" a complete survey and legal description of the annexed land.
- Section.3. The Department of Law is hereby authorized and directed to submit to the United States Department of justice all necessary documentation required for the Department's review and approval of the annexation pursuant to Section 5 of the Voting Rights Act of 1965.
- Section 4. The Department of Law is hereby authorized and directed to file a report identifying property annexed with the Department of Community Affairs of the State of Georgia and with the governing authority of Fulton County as required by O.C.G.A. § 36-36-3, and to take all other actions required by law with regard to the adoption of this ordinance and the annexation of the Property.
- Section 5. This ordinance shall become effective immediately upon approval by the Mayor Unless otherwise specifically stated by law. Notwithstanding the foregoing Sentence, the effective date of this ordinance for school enrollment purposes of the Atlanta Public School System shall be July 1, 2007.
- Section 6. All Ordinances or parts of Ordinances in conflict with the terms of this Ordinance are hereby repealed; but it is hereby provided that any Ordinance or law, which may be applicable hereto and aid in carrying out the intent, purpose and provisions hereof, shall be liberally construed to be in favor of the City of Atlanta and is hereby adopted as a part hereof.

Exhibit "A"

Charles A. & Yvonne K. Hammonds

4505 Birdie Lane, S.W.

Atlanta, GA 30331-7253

404-691-3328

February 24, 2007

FEB 26 2007

mg

Ms. Rhonda Dauphin Johnson
Atlanta Municipal Clerk
55 Trinity Avenue, S.W.
Atlanta, Georgia 30303

Post Mark Date

2.24.07

By

Dear Ms. Johnson:

We would like our property at 4505 Birdie Lane, S.W., Atlanta, Georgia, to be annexed into the City of Atlanta, effective immediately.

Total Acreage: 0.404 acres (17,600.00 sq. ft.)

Land Lot: 61 (14F006100020090)

District: 14F

County: Fulton

Owners: Charles A. & Yvonne K. Hammonds

Enclosed are a copy of a surveyor's map and a copy of the legal description of the property.

Sincerely,


Charles A. Hammonds

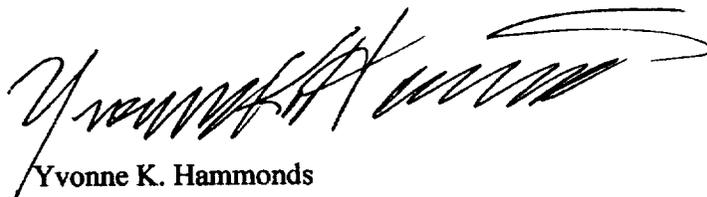
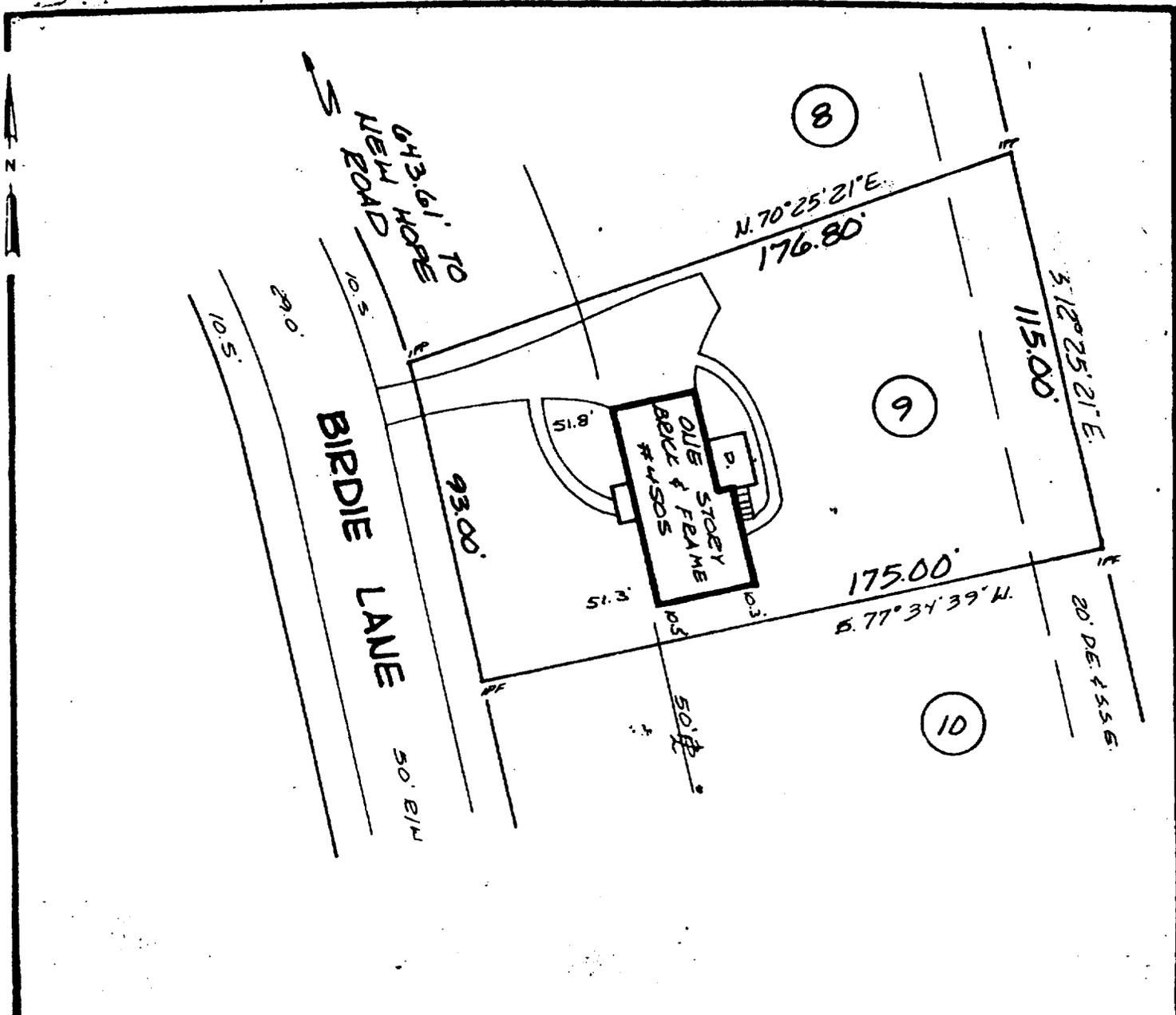

Yvonne K. Hammonds

Exhibit "B"



Survey for

CHARLES ABNER HAMMONDS

of property at 4505 Birdie Lane

Lots 9, Block A, Unit Four, Phase One, Putters' Village Sub.

Land Lot 61, 14th. FF District, Fulton County, Georgia

April 10, 1987

Scale 1" = 40'

In my opinion, this property is not located inside an FIA identified flood hazard area.

made by
ALVIN E. VAUGHN & ASSOC., INC.
Planners - Surveyors
P.O. Box 703
Stockbridge, Ga. 30281

I certify to the above named party that, in my opinion, this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

Alvin E. Vaughn



Exhibit "C"

WARRANTY DEED

GARY D. SIMPSON, P.C.
ATTORNEY AT LAW
2300 Henderson Mill Road, N.E.
Decatur Federal Bldg., Suite 211
Atlanta, Georgia 30345
(404) 493-6777

STATE OF GEORGIA
COUNTY OF DEKALB

THIS INDENTURE, made this 30th day of April in the
year of our Lord One Thousand Nine Hundred and EIGHTY SEVEN between
Dan L. Simpson

of the State of Georgia and County of Fulton, hereinafter
referred to as GRANTOR, and
Charles Abner Hammonds and Yvonne K. Hammonds

of the State of Georgia and County of Gwinnett, hereinafter
referred to as GRANTEE,

WITNESSETH: That the said GRANTOR, for and in consideration of the sum of TEN AND OTHER
GOOD AND VALUABLE CONSIDERATION-----(\$ 10.00)DOLLARS

and other good and valuable consideration in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said GRANTEE (the terms "GRANTOR" and "GRANTEE" include the respective heirs, successors and assigns of each where the context requires or permits), the following described real property, to wit:

All that tract or parcel of land lying and being in Land Lot 61, 14th District
Fulton County, formerly Fayette County, Georgia, being Lot 9, Block A, Unit
Four, Phase One, Putters Village Subdivision, as per plat recorded in Plat Book
113, page 98, Fulton County Records, which plat is incorporated herein by
reference for a more particular description.

Subject to easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining to the only proper use, benefit and behoof of the said GRANTEE forever in FREE SIMPLE

Exhibit "D"

WARRANTY DEED

GARY D. SIMPSON, P.C.
ATTORNEY AT LAW
2300 Henderson Mill Road, N.E.
Decatur Federal Bldg., Suite 211
Atlanta, Georgia 30345
(404) 493-6777

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and other good and valuable consideration in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said GRANTEE (the terms "GRANTOR" and "GRANTEE" include the respective heirs, successors and assigns of each where the context requires or permits), the following described real property, to wit:

All that tract or parcel of land lying and being in Land Lot 61, 14th District
Fulton County, formerly Fayette County, Georgia, being Lot 9, Block A, Unit
Four, Phase One, Putter's Village Subdivision, as per plat recorded in Plat Book
113, page 98, Fulton County Records, which plat is incorporated herein by
reference for a more particular description.

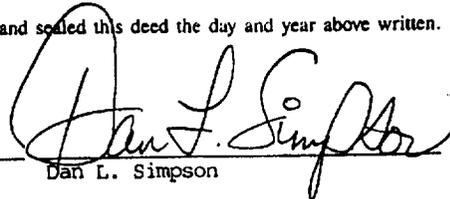
Subject to easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining to the only proper use, benefit and behoof of the said GRANTEE, forever, in FEE SIMPLE.

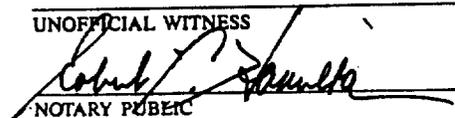
AND THE SAID GRANTOR will warrant and forever defend the right and title to the above described property, unto the said GRANTEE against the claims of all persons whomsoever.

IN WITNESS WHEREOF, GRANTOR has signed and sealed this deed the day and year above written.

Signed, sealed and delivered
in the presence of:

 (SEAL)
Dan L. Simpson

UNOFFICIAL WITNESS

 (SEAL)
NOTARY PUBLIC

DeKalb